

**RABBI ARYEH ZAKS**  
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**ROSH YESHIVA**  
**CHOFETZ CHAIM of RADIN**

ב"ה יום..... לחודש..... שנת תש.....

**אריה זאב זאקס**  
בן  
הגאון האמיתי הגר"ג זצוקללה"ה  
ראש ישיבת חפץ חיים מראדין

December 1, 2019

Hon. Judge Drain  
United States Bankruptcy Court  
Southern District of New York  
White Plains, NY 10601

Re: Mosdos Chofetz Chaim Inc.

Dear Honorable Judge:

I write these words with the understanding that letters to your Honor are unconventional and should only be used on matters of extreme importance. However, it is with great embarrassment and a sense of deep shame to the desecration of G-d's name that a conflict of two Rabbis who are both descendants of the Holy Chofetz Chaim of blessed memory should now come before your Honor, that I am compelled to pen this letter. We have been before your Honor's court since January 31<sup>st</sup> 2012. Your Honor has always treated us with the utmost fairness, kindness and compassion and allowed us the opportunity to finally pay our long overdue debts and get all our affairs in order.

At the time of the Mosdos plan, the primary debt to TBG Radin LLC was over Twenty Four Million dollars and we had many more unsecured debts to address as well. From the time that Mosdos made a settlement with the debt holder Avon Group in 2016 and the debt was transferred to TBG Radin LLC, my brother has refused to assist in any meaningful way. I, who at that time was suffering from various medical crises, was left solely responsible for obtaining the funds to make the monthly payments on the secured debt. I extended myself in multiple ways including using personally borrowed funds, proceeds from the sale of my personal home and assistance from other family members to make monthly payments of over \$118,000 on the secured debt as required.

Your Honor reviewed the plan, my brother reviewed the plan, the attorneys for Mosdos reviewed the plan, and the plan called for repayment of the debts. The plan was approved by your Honor and was followed and finalized as required. The property was sold in an arm's length transaction and through the grace of G-d we have finally paid off all the secured debt, the taxes, and unsecured debts, leaving Mosdos debt free.

After the plan and disclosure statement were approved TBG Radin LLC decided to assign the debt to Shem Olam LLC an entity that has no affiliation to my brother or Mosdos. Tragically it seems this has left a sour taste in his mouth as he would have preferred that the debt be given to him. To compound the matter the owners of TBG Radin LLC specifically decided to assign this debt to an entity that is owned by a religious corporation affiliated with me and my family.

With the full understanding that he has no basis or standing to challenge the assignment of a third party to anyone of their choosing he has started attacking me personally and throwing false allegations wherever he can.

We have a Talmudic statement of *Kol Haposel B'moamo Posel*  
Literally Translated : The sculptor sculpts in his defective image  
Idiomatically:He who finds fault in others identifies the blemish in himself  
(*Talmud Tractate Kiddushin 70b*)

Without elaborating on his horrific baseless allegations, I would advise him to take the Talmudic route and look in the mirror for those supposed criminalities.

It was very painful for me to see a letter written on my brother's behalf trying to paint the repayment of the debts as a crime. I was always serious and respectful of this court and cognizant of my responsibility running a religious institution with a unique history. I was lost and confused by the accusations that I was using Mosdos as a "personal piggy bank". This is patently absurd as your Honor is aware Mosdos has been defunct and has no active accounts to my knowledge in any bank for many years.

Mitchell Greene Esq. our attorney has been trying diligently for almost two months to have us both sit in his office to work out any differences we may have, but my brother has refused.

I pray that this matter does not taint your Honor's view of the orthodox Jewish Rabbinical world as a whole. We are human and sometimes have human failings. I think that this is momentary weakness of heart that was compounded by the all too common phenomenon of sibling rivalry.

May G-d grant your Honor the wisdom and insight to continue serving all that come before you with equity and justice.

With a heavy heart, I remain thankful for all that you have done for Mosdos, and everyone else that has the good fortune to come before your Honor's court.

Respectfully

  
Rabbi Aryeh Zaks